

Entered - 06/21/01 - sb
CL01L0393 - DIANNE C. MITCHELL

**CLAIM OF: JERRY DAVID AND MARJORIE VICKERY,
through their insurance carrier,
Prudential Insurance Company
P. O. Box 957
Horsham, PA 19044-0984**

For damages alleged to have been sustained as a vehicular accident on February 23, 2001 at 621 Burke Road, NE.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/10/01
CHAIR: C. T. Murto

Henry Hargreaves

CERTIFIED
JUL 16 2001
[Signature]
COUNCIL PRESIDENT PROTREM

CERTIFIED
JUL 16 2001
Rachel Daughlin Johnson
MUNICIPAL CLERK

ADVERTISED BY
CITY OF CHICAGO
JUL 16 2001



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 27, 2001

Prudential Insurance Company
Insurance Carrier
Attn: Nancy Hoffman
P.O. Box 957
Horsham, PA 19044-0984

01-R-1058

RE: Jerry David and Marjorie Vickery

Dear Ms. Hoffman:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0393

Date: June 27, 2001

Claimant /Victim JERRY DAVID AND MARJORIE VICKERY
BY: (Ins. Co.) Prudential Insurance Company
Address: P. O. Box 957, Horsham PA 19044-0984
Subrogation: X Claim for Property damage \$ 2,355.71 Bodily Injury \$ _____
Date of Notice: 06/20/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/23/01 Place: 621 Burke Road, NE
Department Police Division: _____
Employee involved G. P. Broom Disciplinary Action: Not Action Taken

NATURE OF CLAIM: The claimant alleges that their vehicle was damaged in a vehicular accident with a City Police vehicle. The investigation determined that the driver of the claimants' vehicle pulled to curb as if to park and as the officer proceeded to continue in a straight path, the driver of the claimants' vehicle attempted to make a sharp left turn back into traffic as if to make a U-Turn. The driver of the claimants' vehicle was negligent in causing this accident.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

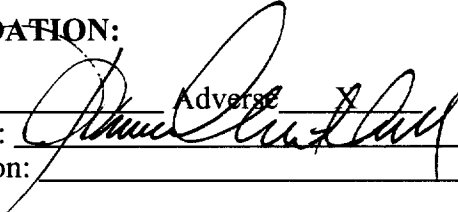
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 06-27-01
Committee Action: _____ Council Action _____



Prudential

Merastar Insurance Company

P.O. BOX 957
HORSHAM, PA 19044-0984
800-247-8276

May 24, 2001

M. Mitchell
06/20/01

DM

City of Atlanta Attn Pd Claims Police Vehicles
2581 Piedmont Road
Ne Atlanta, GA 30324-

ENTERED - 6-21-01 - SB
01L0393 - DIANNE MITCHELL

Claim Number: 22V03500B - 92024
Date of Loss: February 23, 2001
Insured: Vickery, Jerry David & Marjorie
Claimant: Atlanta Police Department
Policy Number: A10000701

Your Insured: Atlanta Police Department
Your Claim Number: dol 2/23/01
Location of Loss: Burke Rd NE and Tim Valley Rd NE
Amount of Loss: \$2,355.71

Dear Sir/Madam:

Our investigation indicates that Atlanta Police Department, who you insure, is responsible for the damages sustained by Vickery, Jerry David & Marjorie in the accident described above. This accident occurred as a result of your police vehicle passing our insured's vehicle on the left while our insured was turning.

This is to notify you of our subrogation interests by virtue of payment under the terms of our policy. Enclosed are supporting papers to document the amount of damages. Please send us your check for \$2,355.71, which includes the deductible amount, payable to Prudential Property and Casualty Insurance Company as Subrogee of Vickery, Jerry David & Marjorie. Remember to include our claim number 22V03500B, on the check. Since we occasionally waive our insured's deductible, please send all money owed directly to Prudential.

If you have any questions, you're welcome to call me at (800) 247-8276, ext. 5958, between 8:00 a.m. and 4:00 p.m. Eastern time, Monday through Friday. I can also be contacted by Fax or my Internet email address. Both are provided below for your convenience.

Sincerely,

Nancy Hoffman
Nancy Hoffman
Claims Representative
Fax: (215) 658-5975
email: nancy.hoffman@prudential.com

01-R-1058

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSE
ON CONSENT
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
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70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSE
ON CONSENT
AGENDA**

73. 01-R-1069
 74. 01-R-1070
 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
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